



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,043	06/15/2001	Todd S. Liebman	D 6411	1287

7590 12/11/2003

Benjamin Aaron Adler
ADLER & ASSOCIATES
8011 Candle Lane
Houston, TX 77071

EXAMINER

JAKETIC, BRYAN J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,043

Applicant(s)

LIEBMAN, TODD S.

Examiner

Bryan Jaketic

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: in line 11 of the claim, "a mean selected" should presumably be --a means selected--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero in view of Mueller et al. Lucero discloses a method of self-service ordering at a restaurant comprising the steps of: providing a kiosk (28) at a drive through location in a restaurant, comprising a push button panel (36) and means for receiving a credit card (58); operating the panel by a patron to order a food item (see col. 7, lines 62-68); totaling the charges (see col. 8, lines 1-9); inserting the credit card into the receiving means (see col. 7, lines 54-57); verifying the credit card account (see col. 7, lines 54-68); debiting the credit card account (see col. 8, lines 9-13); assembling the item at a second location (see col. 8, lines 5-9) and delivering the item to the patron at a location remote from the kiosk (20). Lucero also teaches the step of printing out a receipt (66).

Art Unit: 3627

Lucero does not disclose a touch screen. Mueller et al disclose a restaurant kiosk (14) with a touch screen (24) for taking orders. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the touch screen of Mueller et al with the invention of Lucero, because touch screens are more easily updated.

Lucero does not teach the step of displaying advertisements. Mueller et al disclose the step of displaying advertisements on the touch screen (see col. 12, lines 3-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the advertisements of Mueller et al with the invention of Lucero to promote products.

Lucero does not teach that the receipt contains a designated location. However, it is common in the art to print a location on receipts, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of printing a location on the receipt of Lucero to indicate where the order may be picked up, thereby increasing throughput.

Lucero does not teach the step of printing a coupon on the receipt. However, it is common in the art to print coupons on receipts and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of printing a coupon on the receipt of Lucero to promote products and provide incentive for customers to return.

Lucero does not teach the step of suggesting additional items for sale. Mueller et al disclose the step of suggesting additional items that are appropriate to the items

Art Unit: 3627

ordered, and delivering the suggestion via a video display (see col. 15, line 55 through col. 17, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Mueller et al with the invention of Lucero to suggest additional items to increase sales.

Lucero does not teach the step verbalizing the name of items to the kiosk. However, voice recognition software is common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of verbalizing the name of items to the kiosk of Lucero for customer convenience.

Lucero does not teach the step of receiving an electronic signature. However, electronic signature pads are common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of receiving an electronic signature with the invention of Lucero to facilitate the transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Application/Control Number: 09/883,043

Page 5

Art Unit: 3627

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj


12/5/03